

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No.: 09/918,500

REMARKS

Upon entry of the Amendment, Claims 1-3, 14, 17, 66-75 and 77-176 will be pending in the application. Claims 4-5 and 76 were previously canceled. Claims 6-13, 15-16, and 18-65 are canceled.

Claims 1-2 and 14 are amended to recite “an activated carbon material”. Support can be found, for example, in the specification at page 63, lines 9-12.

Claim 3 is rewritten in independent form to incorporate the limitations of Claim 2, except for specifying “an activated” carbon material.

Claim 17 is rewritten in independent form to incorporate the limitations of Claim 14, including “an activated” carbon material.

New Claims 77-79 find support, for example, from original Claim 6.

New Claims 80-82 find support, for example, from original Claim 8.

New Claims 83-85 find support, for example, from original Claim 10.

New Claims 86-88 find support, for example, from original Claim 12.

New independent Claim 89 finds support from original Claims 3 and 17, except for “an activated” carbon material.

New Claims 90-92 find support, for example, from original Claim 15.

New Claims 93-98 find support, for example, from original Claim 10.

New Claims 99-104 find support, for example, from original Claim 21.

New Claims 105-110 find support, for example, from original Claim 24.

New Claims 111-116 find support, for example, from original Claim 27.

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New Claims 117-122 find support, for example, from original Claim 30.

New Claims 123-128 find support, for example, from original Claim 33.

New Claims 129-134 find support, for example, from original Claim 36.

New Claims 135-140 find support, for example, from original Claim 39.

New Claims 141-146 find support, for example, from original Claim 42.

New Claims 147-152 find support, for example, from original Claim 45.

New Claims 153-158 find support from original Claim 48.

New Claims 159-164 find support from original Claim 51.

New Claims 165-170 find support from original Claim 54.

No new matter is added.

Entry of the Amendment along with reconsideration and review of the claims on the merits are respectfully requested.

Allowable Subject Matter

Applicant appreciates the Examiner's indication that method Claims 66-75 are allowed, and Claims 3, 42-44, and 63-65 are objected to as being dependent upon a rejected base claim (Claims 1 and 2), but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response, Applicant rewrites Claims 3, 42-44 (new Claims 171-173), and 63-65 (new Claims 174-176) into independent form including all of the limitations of the base claim.

Applicant submits that all pending claims are now allowable in view of the amendments and remarks given below.

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As previously noted, each of Claims 1, 2, 14 and 17 has been amended to clarify that the carbon material is “an activated carbon material”

Claim Rejections - 35 USC § 102 and § 103

A. Claims 1, 2, 6-41 and 45-62 are rejected under 35 U.S.C. §102(e) as assertedly being anticipated by Pham et al. (US 6,426,050).

The Examiner asserts that the limitation in Claim 1 "wherein the absorptive region is formed of a material selected from the group consisting of a fiber material and a porous material, including a carbon material or a material capable of forming a membrane filter" reads on Pham et al because said material can be selected from a carbon material which is inherently porous and the present specification indicates that the material is not particularly limited although a carbon porous material such as an activated carbon is preferably used.

The Examiner states that carbon black of Pham is inclusive of the carbon material of Applicant's Claim 1.

Applicant responds as follows.

Of the rejected claims, Claims 57-62 are canceled making the rejection of these claims moot. Rejected Claims 6-13, 15-16, and 18-56 are also canceled. However, please note that new Claims 77-88, 90-92, and 93-170 are presented which are directed to substantially the same subject matter as canceled Claims 6-13, 15-16 and 18-56, and these new claims are each dependent on one of the independent Claims 1-3, 14, 17 and 89. Thus, these new dependent

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claims are patentable for at least the same reasons as for the patentability of each of the independent claims.

The remaining claims in this anticipation rejection are Claims 1, 2, 14 and 17.

As previously described, each of these independent Claims 1, 2, 14 and 17 are amended to recite “an activated carbon material”.

In comparison, Pham’s carbon black fails to anticipate the “activated carbon material” of Applicant’s Claims 1, 2, 14 and 17. More specifically, the Examiner cites Pham as disclosing optically opaque materials, such as dyes, pigments or carbon black. Although Pham discloses carbon black, Pham’s “carbon black” fails to anticipate or render obvious the absorptive material of the present invention, i.e., an activated carbon material or a material capable of forming a membrane filter according to the present invention.

In the present invention, the absorptive region can be preferably formed from an organic porous material including a carbon porous material such as an *activated carbon* or a porous material capable of forming a membrane filter (page 63, lines 9-12) (emphasis added).

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(e).

B. Claims 33, 34, 39, and 40 are rejected under 35 U.S.C. §103(a) as being assertedly unpatentable over Pham et al. (US 6,426,050), for the reasons given in the Office Action.

Applicant responds as follows.

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Each of the rejected Claims 33-34 and 39-40 are canceled. However, please note that new Claims 123-128 and 135-140 are presented which are directed to substantially the same subject matter as these canceled claims, and these new claims are each dependent on one of the independent Claims 1-3, 14, 17 and 89. Thus, these new dependent claims are patentable for at least the same reasons as for the patentability of each of the independent claims.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a).

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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